

Baldwin Planning Board

Meeting Minutes 7/25/2019

I. Call to Order

Strock called the meeting to order at 7pm

II. Roll Call

Nichol Ernst, Matt Sanborn, David Strock, Sue Olafsen, CEO West Sunderland
Selectmen Dwight Warren, Gerry Brown

III. Reading of the Minutes From Last Meeting

No minutes as a quorum was not present at the last meeting

IV. Open Business

A. New public hearing for Pine State Auto Sales, LLC as no quorum at the last meeting.
Agreed to move public hearing to August 22nd. Strock will confirm with Emmons
and Ernst will do new public notice.

V. New Business

- a. Issues raised at 7/23 selectmen's meeting re: Jo Pierce and his nomination for planning board. Several concerns were raised in that meeting regarding the planning board in general. "Multiple people claim that the board is anti-business and obstructing business in the town". Sunderland shared that one member of the town discussed himself and friends being unhappy with interactions with the town. Sunderland stated that the planning board only enforces ordinances. Strock stated that the board has not denied a permit in more than 20 years. Ernst, Strock and Sanborn made clear their opinion that Pierce is a valuable member of the planning board and the preference of the board would be to have him as a member as his expertise and experience are very valuable to the board as many members have not been on the board a long time.
- b. Discussion of having public invited to a meeting to talk about these concerns. Discussion of writing a letter to folks who have businesses in town, discussed doing a public notice and asking for folks to come learn about how the planning board works and also hearing individual's complaints. Discussed tentatively having a public hearing on September 12th.
- c. Merritt Bennet brought up a complaint that the board was "nasty" towards him on 6/22/2017. Sunderland stated that he walked out of the first exploratory meeting and the discussion came up around possible concerns and he did not like the discussion about noise and left the meeting. Discussed whether or not we should discuss

- concerns in the first meeting with a new applicant. Discussed having a 1 page write up of how the process works and what the planning board does.
- d. Chris Burnell claimed that the board had rejected a subdivision at Woods Mill Rd. No one present remembered such an occurrence.
 - e. Selectmen Gerry Brown's receipt of emails that the town is biased. One email from Don Isaacs, read aloud, suggests that people are on the board too long and having shorter terms might be beneficial. Isaacs also stated that experience and longevity could be important. Sunderland stated that the planning board is not a "new idea" kind of place, as they only enforce ordinances. Also received an email from Suzette McLaughlin which Strock read aloud. Discussion of Jo Pierce recusing himself or not. Agreed to have a discussion in our next meeting regarding when recusal and/or conflict of interest rules apply. Discussed complaint that planning board did not notify Woods Pellet mill when CUP was going to expire and has not done so for other businesses. Strock and Sanborn stated they believe this to be true. Ernst stated that we should either notify all business owners that permits are about to expire or no one, Strock stated that we should make a policy as a board. Discussed having an agenda and posting it. Discussed that more recently we have been creating an agenda ahead of time and getting the town to post it. Discussed not wanting to post an agenda if the selectmen are not going to. Also discussed posting the agenda to the minutes in the future. Sanborn suggested hiring someone to take minutes. We will report back next meeting on the individual that takes minutes for the Cornish meeting.
 - f. Strock took a comment from Brown at the Selectmen's meeting to mean that he board had been unfair in asking Fuller to get a noise study. Discussed how an ordinance says we need to assess for noise. Brown clarified that he was not saying it was unfair.
 - g. Larry Siedl claimed at Selectmen's meeting that deliberations occurred outside of formally noticed meetings. Strock re-stated the expectations around not discussing official issues outside of the officially noticed meetings.
 - h. Kurt Olafsen from the public stated that there is a misunderstanding in the public about the role of the planning board and the role of ordinances and was in support of the plans developed this evening to have a meeting to hold a discussion with the public.
 - i. Consideration of mass gathering or special events ordinance for next town meeting. Discussion about whether this would be part of the land use ordinance or how it would tie in with the land use ordinance. Olafsen discussed having someone from Sebago come and discuss their ordinance and agreed to reach out to town of Sebago. Agreed to read Sebago and Hebron ordinances that Strock passed out to board by next meeting.

VI. Adjournment

Sanborn made a motion to adjourn at 8:56pm. Olafsen seconded. Approved unanimously

Submitted by: Nichol Ernst

Appendix A

Fri, May 31, 11:55
AM (13 days ago)

David Strock

to sgolafsen, stickmanfrick, nichol, Josiah, Glen, Matthew, dtaylorbaldwin, wsunderland

Greetings Board -

Here is what I have uncovered, with the assistance of Ms. Wakefield.

The Baldwin Subdivision Ordinance was modified at the March 2009 Town Meeting. The proposed changes were distributed to the Town in a handout separate from the printed Town Warrant. For those with excellent memories, you may recall that there were two Planning Board items on the Town Warrant that year, Article 57 regarding changes to the Subdivision Ordinance and Article 58 regarding proposed changes to the mineral extraction provisions of the Land Use Ordinance. Article 57 was approved, without modification as far as I know. Article 58 was rejected. Batting 500 could get you into the Hall of Fame.

Attached is a copy of the handout for the changed to the Subdivision Ordinance. I believe the handout answers the questions that we had regarding the mystery handwritten information. At the next meeting we can discuss whether the above information is correct,

the import of this information and what we should do to update. This email and its attachment should be appended to the next meeting minutes.

Thank you.

Appendix B

ARTICLE 6 - MINOR SUBDIVISION

6.2 Procedure

B. All applications for final plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee of \$3008 per lot or acre, whichever is greater, payable by check to the municipality. In addition, the application shall pay a fee of \$10,000-1-00 per lot or acre, whichever is greater, to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application, if necessary. If the balance of this special account is drawn down by 75%, the Board shall notify the applicant, and require that the account be recharged to the maximum amount an additional \$100 per lot or acre, whichever is greater, be deposited by the applicant. The Board shall notify the applicant and require an additional \$100 per lot or acre, whichever is greater, be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.

ARTICLE 7 - MAJOR SUBDIVISION

7.1. Procedure

B. All applications for final plan approval for a Major Subdivision shall be accompanied by an application fee of \$3008 per lot or acre, whichever is greater, payable by check to the municipality. In addition, the application shall pay a fee of \$15,00050 per lot or acre, whichever is greater, to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the account be recharged to the maximum amount an additional \$25 per lot or acre, whichever is greater, be deposited by the applicant. The Board shall notify the applicant and require an additional \$25 per lot or acre, whichever is greater, be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an

additional fee shall be required to cover the costs of advertising.

7.2(D): Application requirements. The application for preliminary plan approval shall include the following information, but ~~rl~~ the Board may require additional information to be submitted,

where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A. §4404 are met -:

4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property. The applicant shall provide to the Board a title search conducted no more than thirty days prior to submission of the application and provide annual updates to such title search until the completion of the improvements required by the final subdivision plan.

8.3 Final Approval and Filing

F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Substantial construction shall mean completion of all improvements required by the final subdivision plan.

13.1 Types of Guarantees.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney. In the event that the applicant transfers an interest in the subject application or land, the Board may require the transferee to provide a similar guarantee or the Board may modify the existing performance guarantee.